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10/674,103

09/29/2003

Torrence Anderson

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04/19/2007

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EXAMINER

PLUMMER, ELIZABETH A

ART UNIT

PAPER NUMBER

3635

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/674,103

Applicant(s)

ANDERSON ET AL.

Examiner

Elizabeth A. Plummer

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-41 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-41 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 11-13, 15-17, 19-23, 26-30, 32 and 36 is/are rejected.
- 7) ☒ Claim(s) 7, 14, 18, 24, 25, 31, 33-35 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's amendments and arguments received have entered and considered. Claim 10 have been canceled. Claims 37-41 have been added. An examination of pending claims 1-9 and 11-41 is herein presented.

Claim Objections

1. Claim 7 is objected to because of the following informalities: claim 7, line 4, recites the limitation "said locking posts." There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.
2. Claim 25 is objected to because of the following informalities: claim 25, line 4, sockets and socket appear to be misspelled as pockets and pocket.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-3, 11 and 16-17 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 8-9 and 12-13 of U.S. Patent No. 6,892,497 in view of Greene (US Patent 6,796,087) and Skov et al. (US Patent 6,701,678).

a. Regarding claims 1, 2 and 3, claim 8 of U.S. Patent No. 6,892,497 recites the invention as claimed except four L-shaped corner pillars and at least one T-connector, said at least one T-connector having a first end portion and a second end portion, wherein said first end portion of said at least one T-connector is inserted into and secured in place by said slot, wherein said second end portion of said at least one T-connector extends outwardly from said first horizontal edge for interlocking cooperating with an adjacent side wall panel or corner pillar resulting in a mechanically secure connection between said panels; however, it is

well known in the art to incorporate corner pillars for increasing the strength and rigidity of an enclosure. For example, Greene discloses the use of corner posts (12), which are bent around the corners to form an L-shape (Figs. 1, 2,13), in order to create a strong, durable and easy to assemble shed. It would have been obvious to one of ordinary skill at the same time the invention was made to modify U.S. Patent No. 6,892,497 to incorporate four L-shaped corner pillars, such as taught by Greene, in order to create a more durable and strong heavy duty enclosure. Furthermore, it is well known in the art to incorporate at least one T-connector having a first end portion and a second end portion, wherein said first end portion of said at least one T-connector is inserted into and secured in place by said slot, wherein said second end portion of said at least one T-connector extends outwardly from said first horizontal edge for interlocking cooperating with an adjacent side wall panel or corner pillar resulting in a mechanically secure connection between said panels. For example, Skov et al. ('678) teaches at least one T-connector, said at least one T-connector (140) having a first end portion and a second end portion (138), wherein said first end portion of said at least one T-connector is inserted into and secured in place by said slot (Fig. 23), wherein said second end portion of said at least one T-connector extends outwardly from said first horizontal edge for interlocking cooperation with an adjacent side wall panel resulting in a mechanically secure connection between said panels (Fig. 23; column 6, lines 13-33). It would have been obvious to one of ordinary skill in the art at the same time the invention was

made to modify U.S. Patent 6,892,497 to incorporate a T-connector, such as taught by Skov et al. ('678) in order to quickly and detachably connect side wall panels.

- b. Claim 11 corresponds to claim 9 of U.S. Patent No. 6,892,497.
 - c. Claim 16 corresponds to claim 12 of U.S. Patent No. 6,892,497.
 - d. Claim 17 corresponds to claim 13 of U.S. Patent No. 6,892,497.
5. Claim 36 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13 of U.S. Patent No. 6,892,497 in view of Greene (US Patent 6,796,087) and Skov et al. (US Patent 6,701,678).
- a. Regarding claim 17, claim 13 of U.S. Patent No. 6,892,497 recites a heavy duty injection molded enclosure comprising a symmetrical floor assembly, a pair of side wall assemblies, a rear wall assembly, a door assembly and a roof assembly which are formed of injection molded plastic. U.S. Patent No. 6,892,497 also recites the rear panel members having a first longitudinal end with an integral attachment means, a first horizontal edge having an attachment means, wherein the first horizontal edge attachment means includes a semi-circular conduit extending from about said first longitudinal end to about the middle portion of said edge, said semi-circular conduit having a generally circular aperture for accepting a dowel therein, wherein said semi-circular conduit is adapted to be brought into an overlapping relationship with a corresponding semi-circular conduit and dowel pin enters said circular apertures in each conduit resulting in a mechanically secure connection between the two wall panel

members. U.S. Patent No. 6,892,497 lacks four L-shaped corner pillars; however, it is well known in the art to incorporate corner pillars for increasing the strength and rigidity of an enclosure. For example, Greene discloses the use of corner posts (12), which are bent around the corners to form an L-shape (Figs. 1, 2, 13), in order to create a strong, durable and easy to assemble shed. It would have been obvious to one of ordinary skill at the same time the invention was made to modify U.S. Patent No. 6,892,497 to incorporate four L-shaped corner pillars, such as taught by Greene, in order to create a more durable and strong heavy duty enclosure.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 9, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skov et al. (6,701,678) in view of Greene (6,796,087).

a. Regarding claim 1, Skov et al. discloses an injection molded heavy duty utility enclosure (column 3, lines 56-64) comprising a floor assembly (12), a pair of side wall assemblies (14), a rear wall assembly (24), a door assembly (28) and a roof assembly (18). The side wall assemblies (14) consist of at least one panel (22) each (Fig. 1), wherein the side wall panels (22) includes a first longitudinal end with an attachment means (40,202) for connecting to a roof assembly, a

second longitudinal end with an attachment means (42) for connecting to a flooring assembly, and first and second horizontal edges with attachment means (38) on each side arranged to cooperate with a side wall panel member in an interlocking co-planar relationship, said first horizontal edge attachment means including at least one slot (130,134) constructed and arranged for attachment of at least one T-connector, said at least one T-connector (140) having a first end portion and a second end portion (138), wherein said first end portion of said at least one T-connector is inserted into and secured in place by said slot (Fig. 23), wherein said second end portion of said at least one T-connector extends outwardly from said first horizontal edge for interlocking cooperation with an adjacent side wall panel resulting in a mechanically secure connection between said panels (Fig. 23; column 6, lines 13-33). Skov et al. does not disclose that the enclosure further comprises four L-shaped corner pillars; however, it is well known in the art that L-shaped corner pillars can be used to increase the strength and durability of an enclosure. For example, Greene teaches a strong and easy to assemble enclosure further comprising L-shaped corner pillars. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skov et al. to use L-shaped corner pillars, such as taught by Greene, in order to create a stronger and more durable enclosure.

b. Regarding claim 9, Skov et al. discloses at least four like-constructed side wall panel members in two side wall assemblies, a left side and a right side, (14) consisting of two side wall panels (22) each (Fig. 1).

- c. Regarding claim 15, Skov et al. discloses an attachment means (128) for connecting the horizontal edges of two panels wherein a T-shaped connector (140) is inserted into keyhole slot (130,134) and slid downward so that the head of the T-shape (144) secures the T-shaped connector in place (column 6, lines 13-33).
 - d. Regarding claim 16, the side wall panels (22) and rear wall panels (24) have a first longitudinal end with an attachment means (40,202) for connecting to a roof assembly, a second longitudinal end with an attachment means (42) for connecting to a flooring assembly, and first and second horizontal edges with attachment means (38) on each side.
8. Claims 1, 2, 5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (US Patent 6,796,087) in view of Skov et al. (US Patent 6,701,678).
- a. Regarding claim 1, Greene discloses a heavy duty utility enclosure, preferably made of plastic (column 1, lines 35-47), comprising a symmetrical floor assembly, four L-shaped corner pillars (12), a pair of side wall assemblies, a rear wall assembly, a door assembly (16) and a roof assembly (Figs. 1,2). The pair of side wall assemblies include at least one side wall panel member (13), wherein said at least one wall panel member includes a first longitudinal end having an attachments (96), a second longitudinal end having an attachment means (top ledge), a first and second horizontal edge having an attachment means (98,134) to cooperate with a member in an interlocking co-planar relationship. Greene

does not disclose that the enclosure is formed by injection molding; however, it is well known in the art that plastic components can be formed by injection molding. For example, Skov et al. teaches an inexpensive, efficient and easy to assemble storage enclosure wherein the components may be formed by injection molding (column 3, lines 56-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Greene to use injection molded plastic, such as taught by Skov et al., in order to create strong and durable components. Greene also does not disclose that the first horizontal edge attachment means includes a slot constructed and arranged for attachment of at least one T-connector, said at least one T-connector having a first end portion and a second end portion, wherein said first end portion of said at least one T-connector is inserted into and secured in place by said slot, wherein said second end portion of said at least one T-connector extends outwardly from said first horizontal edge for interlocking cooperation resulting in a mechanically secure connection. However, it is well known in the art that at least one T-connector, said at least one T-connector having a first end portion and a second end portion, wherein said first end portion of said at least one T-connector is inserted into and secured in place by said slot, wherein said second end portion of said at least one T-connector extends outwardly from said first horizontal edge for interlocking cooperation resulting in a mechanically secure connection, can be used between adjacent panels. For example, Skov et al. teaches at least one T-connector (140), said at least one T-connector having a first end portion and a second end

portion (138), wherein said first end portion of said at least one T-connector is inserted into and secured in place by a slot (130,134), wherein said second end portion of said at least one T-connector extends outwardly from said first horizontal edge for interlocking cooperation resulting in a mechanically secure connection. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Greene to use a T-connector, such as taught by Skov et al., in order to more securely yet detachably connector adjacent panels.

b. Regarding claim 2, Greene discloses a symmetrical flooring assembly including floor pieces (11). The top surface of the pieces has a means of attaching the pieces to the side wall and door assemblies. The bottom surface is designed to provide strong, stable and durable support for the shed enclosure (column 9, lines 44-50). The locking edges of each of the pieces have apertures for fasteners into order to engage and connect with the locking edges of the other floor pieces. The floor pieces also include a ramp edge and a closed edge (Fig. 13). Greene does not disclose that the floor assembly comprises two pairs of the floor pieces. However, Greene teaches that the use of multiple, smaller floor pieces may facilitate easier handling and shipping (column 9, lines 57-58). It would have been a matter of obvious design choice to one of ordinary skill in the art at the same time the invention was made to form the flooring assembly with two pairs of like-configured floor pieces, as Greene's enclosure is concerned with being easy to manufacture and ship.

c. Regarding claim 5, Greene in view of Skov et al. discloses the claimed invention except for locking bosses arranged on the top surface of the flooring assembly which are used to connect to the side wall and corner pillars.

However, Greene discloses bosses (96, 60) on the side wall assemblies and the corner pillars. It would have been obvious to one having ordinary skill in the art at the same time the invention was made to place the bosses on the flooring assembly, as it has been held that mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstien, 8 USPQ 167.

d. Regarding claim 8, the bottom surface of the floor pieces (11) have integrally formed cross-bracing (Fig. 4).

e. Regarding claim 9, the enclosure includes four side panels (18), with two panels on the left and two panels on the right (Fig. 1).

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (6,796,087) in view of Skov et al. (6,701,678) as applied to claim 2 above, and further in view of Paz et al. (US Patent 6,250,022). Regarding claim 2, Greene in view of Skov et al. discloses the invention as claimed except for a plurality of spaced apart tubes extending through each of the floor panels under the top surface and above the bottom surface and extending between said first locking edge and said ramp edge. However, it is notoriously well known in the art that floor panels can include spaced apart tubes. For example, Sutelan teaches a floor panel (10) with spaced apart tubes (36) in order to increase the stability of the floor panel. It would have been obvious to one of ordinary skill in the art to modify Greene in view of Skov et al. to include spaced apart structural

tubes in the floor panels, such as taught by Sutelan, in order to increase the strength of the enclosure.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (6,796,087) in view of Skov et al. (6,701,678) as applied to claim 1 above, and further in view of Paz et al. (US Patent 6,250,022).

a. Regarding claim 6, Greene discloses a door assembly (16). Greene does not disclose the particulars of which the hinging mechanism is used to connect the door assembly to the enclosure. However, it is notoriously well known in the art that doors can be attached to an enclosure through the use of at least one pin. For example Paz et al. teaches an enclosure where a door assembly is connected to the enclosure in a pivotal fashion through the use of a hinge pin (62) is located on the top surface of the flooring assembly, adjacent to bosses and a ramp edge. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Greene to include at least one hinge pin, such as taught by Paz et al., in order to create a smoother pivotal connection between the door and enclosure.

11. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skov et al. (6,701,678) in view of Greene (6,796,087) as applied to claim 1 above, and further in view of Paz et al. (US Patent 6,250,022).

a. Regarding claim 11, Skov et al. in view of Greene discloses the invention as claimed except for the first longitudinal end and the second longitudinal end using an attachment means consisting of an at least one integrally formed

socket. However, it is well known in the art that an attachment means between a longitudinal edge and a roofing or flooring assembly can be in the form of a socket connection. For example, Paz et al. teaches a strong utility shed comprising side panels (34) with integrally formed sockets (96) for connections between the longitudinal edges and either the roofing or flooring assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skov et al. in view of Greene to include integrally formed sockets in order to create a stronger and easier to use attachment means.

b. Regarding claims 12 and 13, Skov et al. in view of Greene discloses the invention as claimed except for a horizontal edge ridge and a horizontal edge groove each extending from one longitudinal end to the other. However, it is well known in the art that side wall panels can be connected through an interlocking ridge and groove system. For example, Paz et al. teaches side panels (34) that interlock (Fig 5A) through the use of a groove (100) and a ridge (99). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skov et al. in view of Greene to use side panels with a groove and ridge for attachment purposes, such as taught by Paz et al., in order to create a strong and easier to align attachment means.

12. Claims 19-23, 25-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skov et al. (6,701,678) in view of Greene (6,796,087) as applied to claim 1 above, and further in view of Skov et al. (US Patent 6,581,337).

- a. Regarding claim 19, Skov et al. ('678) in view of Greene discloses the claimed invention except for a roof assembly including at least two headers, a ridge cap assembly and two pairs of like-constructed roof panels. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the roofing assembly of Skov et al. ('337), which teaches at least two headers (102), a ridge cap assembly (112) and two pairs of like-constructed roof panels (110) (Fig. 18), instead of the roof assembly of Skov et al. ('678), as the examiner takes Official Notice of the known equivalence of Skov et al.'s ('337) roofing assembly to Skov et al.'s ('678) roofing assembly. The selection of any of the known equivalents to either Skov et al.'s roofing assembly would be within the level of one having ordinary skill in the art.
- b. Regarding claim 20, Skov et al. ('337) discloses support beams (178) that increase the structural load bearing capacity of the roofing assembly.
- c. Regarding claims 21-23, Skov et al. ('337) discloses the beam can be constructed with metal, plastic or other known materials (column 3, lines 46-61); Skov et al. does not specifically disclose the support beam being made of steel or a composite material. However, it would have been a matter of obvious design choice to form beam out of steel or a composite material since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

- d. Regarding claims 26 and 27, Skov et al. ('337) discloses the claimed invention except for the ridge cap assembly being constructed of two like portions. It would have been a matter of obvious design choice to one of ordinary skill in the art at the same time the invention was made to form the ridge cap assembly in smaller, multiple parts with a weatherstrip seal, as Skov et al. is concerned with creating a weather resistant enclosure that is also easy to ship.
 - e. Regarding claim 28, Skov et al. ('337) discloses a support beam (106) which cooperates with the ridge cap (112).
 - f. Regarding claim 30, Skov et al. ('337) discloses roof panels (110) which include an outer surface, an inner surface, a first locking edge, a second locking edge, and closed edges opposite the locking edges. The first locking edge of the panel (110) is constructed with tabs (168) that cooperate with the ridge cap (112) (Fig. 15,17). The second locking edge is constructed with flanges (170) to attach adjacent roof panels.
13. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (US Patent 6,796,087) in view of Skov et al. (US Patent 6,701,678) and Skov et al. (US Patent 6,581,337) as applied to claim 28 above, and further in view of Bumann (US Patent 1,936,571). While Skov et al. ('337) does not disclose the ridge cap assembly further comprising an anti-lift strap, it is well known in the art that an anti-lift strap can be used in order to further secure a ridge cap. For example, Bumann teaches a securing strip (20) with strap portions (31) which having a bearing engagement upon a ridge cap (28) in order to hold the ridge cap in place (page 2, lines 88-100). It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to modify Greene in view of Skov et al. ('678) and Skov et al. ('337) to include an anti-lift strap, such as taught by Bumann, in order to create a stronger roofing assembly and enclosure.

14. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (US Patent 6,796,087), Skov et al. (US Patent 6,701,678), and Skov et al. (US Patent 6,581,337) as applied to claim 19 above, and further in view of Paz et al. (US Patent 6,250,022). Regarding claim 32, Greene in view of Skov et al. ('678) and Skov et al. ('337) teaches the invention as claimed except for a plurality of spaced apart structural tubes extending through each of the roof panels. However, it is notoriously well known in the art that roof panels can have structural tubes extending through them in order to increase the strength of the panel and roofing system. For example Paz et al. teaches roofing panels (38) with tubes (202) for strengthening the panel. It would have been obvious to one in ordinary skill in the art at the time the invention was made to modify Greene in view of Skov et al. ('678) and Skov et al. ('337) to include structural tubes, such as taught by Paz et al., in order to create a stronger and more durable roofing assembly and enclosure.

Allowable Subject Matter

15. Claims 38-41 are allowed.

16. Claims 14, 18, 24, 31 and 33-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

17. Applicant's arguments filed 01/04/2007 have been fully considered but they are not persuasive. Regarding claim 1, Applicant argues that the limitations of claim 14 have been incorporated in independent claim 1. However, while it is true that some of the limitations of claim 14 have been incorporated not all of the limitations have, thus changing the scope of the claim. Regarding claim 36, Applicant argues that the limitations of claim 18 have been incorporated into new independent claim 36. However, while it is true that some of the limitations of claim 18 have been incorporated, not all of the limitations have, thus changing the scope of the claim.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Plummer whose telephone number is (571) 272-2246. The examiner can normally be reached on Monday through Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAP
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Jeanette Chapman
Primary Examiner